

United States Court  
Southern District of Texas  
FILED

JUN 26 2006

Michael N. Milby, Clerk

## UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

Charles A. Malouff, Jr.

[REDACTED]  
[REDACTED]

## CRIMINAL COMPLAINT

Case Number:

H-06-456M

W

(Name and Address of Defendant)

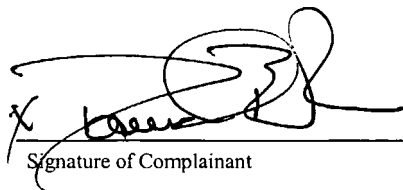
I, the undersigned complainant, state that the following is true and correct to the best of my knowledge and belief. On or before August 31, 2004 in Harris County, in the Southern District of Texas defendant(s) did,

Unlawfully receive or possess a firearm (destructive device) which is not registered to him in the National Firearms Registration and Transfer Record (NFRTR); and did unlawfully transfer a firearm (destructive device) in violation of the provisions of the chapter.

in violation of Title 26 United States Code, Section(s) 5861 (d) and (e).

I further state that I am a(n) Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the facts related in the affidavit attached hereto and made a part of this complaint.

Official Title



Signature of Complainant

David W. Bock

Printed Name of Complainant

Sworn to before me and signed in my presence,

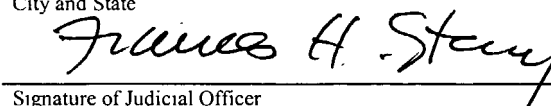
June 26, 2006  
Date

at

Houston, Texas

City and State

U.S. Magistrate Judge Frances H. Stacy  
Name and Title of Judicial Officer

  
Signature of Judicial Officer



The facts establishing the foregoing issuance of an arrest warrant are base on the following:

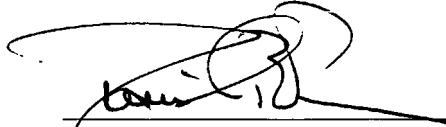
I, David W. Bock, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since June 1989. Prior to my appointment with ATF, I was employed as a police officer with the Carrollton Police Department, Carrollton, Texas, for approximately 4 years. Prior to that, I was employed as a police officer with the Bedminster Township Police Department, Bedminster Township, New Jersey, for approximately 4 years. I maintain a Bachelor Degree in Criminal Justice from the University of North Texas and am an honor graduate of the ATF National Academy. I have been trained and am recognized by ATF as a Certified Explosives Specialist (CES) and am a member of the ATF Regional Explosive Team. I have been assigned to the Houston Arson and Explosives Group since January 1994.
2. My duties include the investigation of violations of Federal explosive laws and, as such, I know it is a violation of Title 26, United States Code, Section 5861 for a person to receive or possess a firearm (destructive device) which is not registered to him in the National Firearms Registration and Transfer Record (NFRTR), or to transfer a firearm (destructive device) in violation of the provisions of the chapter. I also know that the term "destructive device" includes noise/flash diversionary devices (NFDD), also known as "flash bangs" or "stun grenades".
3. On August 31, 2004, I met with Cypress Creek Emergency Medical Service (CCEMS) Director Brad England at the office of former CCEMS Advanced Tactical Team (CCATT) coordinator Eugene Harper Williams Jr., located at 1603 Ash Meadow, Houston, TX, which is a location in the Southern District of Texas. England abandoned to ATF 67 NFDD (including high explosive detonating cord breaching tools) and 6 improvised electric detonators. England stated that the items had been found in Williams' office after he was terminated. 54 of the NFDD were found inside of two boxes, each of which had an address label affixed indicating it had been shipped from Precision Ordnance Products, Inc. (POP), Phoenix, AZ, to Charlie Malouff c/o Bertram Police Department. On September 1, 2004, I met England at the same location and he abandoned to ATF an additional 11 NFDD. All of the NFDDs discovered in Williams' office are "destructive devices" as defined in Section 5845 of Title 26, United States Code and all but one were in operating condition at the time of discovery.
4. I subsequently conducted a query by serial number of the identifiable NFDD found in Williams' office through the ATF NFRTR and determined that none of the NFDD found in Williams' office were registered to Williams. Furthermore, Williams had no destructive devices registered to him in the NFRTR.
5. On December 2, 2004, I received copies of business records from Precision Ordnance Products (POP), a former manufacturer of NFDD located in Phoenix, AZ. The records were received through the company's attorney, Mr. Bill Stephens. Included were four signed

invoices indicating the receipt of POP NFDD by Charles A. Malouff, Jr., including those NFDD found in Williams' office which were identified by serial number.

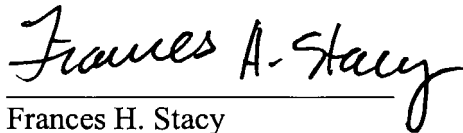
6. On February 23, 2005, I interviewed Charles A. Malouff, Jr. at the ATF office in Austin, TX. Malouff stated that he owned a private enterprise called AP&T International, Inc. which specialized in the sale of ballistic shields. He had also at different times in the past been a police officer with Cedar Park Police Department, Bertram Police Department and Bosque County Sheriff's Office. He stated that he used Precision Ordnance Products NFDD in his private enterprise to train law enforcement officers in the use of his ballistic shields. Mike Roe, president of POP (now deceased), had agreed to provide Malouff with NFDD for his personal use at no cost provided that they were "shipped to a law enforcement agency." In furtherance of this venture, Malouff stated that Roe "certified" Malouff as a "Master Instructor" in the use of POP NFDD in October 2000. Malouff stated that in October 2002 he was terminated from Bertram Police Department. Upon his termination, Malouff stated that he removed his personal property from the premises of the Bertram Police Department, which included POP NFDD that he used for his private company. Soon after, upon being called up for active duty in the U.S. Coast Guard, he transferred possession of the POP NFDD to Eugene Harper Williams, Jr. for storage in Williams' office because the POP NFDD were to be used in CCEMS tactical paramedic training. Malouff stated that in August 2003, he took possession of additional POP NFDD while employed at the Bosque County Sheriff's Office and also transferred possession of these NFDD to Williams for storage in Williams' office, again due to Malouff's active duty military status and his intent to use the devices in CCEMS tactical paramedic training.
7. I have conducted a subsequent query of the ATF NFRTR and discovered that no firearms, to include destructive devices, were registered to Charles A. Malouff, Jr.. Conversely, none of the 78 NFDD discovered at 1603 Ash Meadow were registered to Charles A. Malouff, Jr. in the NFRTR. Furthermore, no transfer application had been submitted to ATF by Charles Malouff for taxation and approval prior to his transfer of the above NFDD to Eugene Williams, as required by law. Accordingly, Williams was never approved as a registered transferee/possessor of the aforementioned POP NFDDs by ATF.

Based upon the aforementioned information and investigation, I believe probable cause exists to effect the arrest of Charles A. Malouff, Jr., as he unlawfully possessed and transferred firearms (destructive devices) not registered to him in the NFRTR, in violation of 26 USC 5861(d) and (e).

A handwritten signature in black ink, appearing to read 'David W. Bock', written over a horizontal line.

David W. Bock  
Special Agent, ATF

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE ON THIS THE 26<sup>th</sup> DAY  
OF JUNE 2006, AND I FIND PROBABLE CAUSE.

A handwritten signature in black ink, appearing to read 'Frances H. Stacy', written over a horizontal line.

Frances H. Stacy  
United States Magistrate Judge